

## Message Text

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PAGE 01 STATE 141239  
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C O N F I D E N T I A L STATE 141239

E.O. 11652:GDS

TAGS:SHUM, GH

SUBJECT:HUMAN RIGHTS - GHANA ACTION PLAN

REF: A) MCGUIRE-AMBASSADOR OI OF 5/17, B) ACCRA 2045  
C) ACCRA 2443 D) STATE 139160

1. THE GEOGRAPHIC BUREAUS HAVE BEEN TASKED TO PREPARE  
HUMAN RIGHTS EVALUATION REPORTS INCLUDING AN ASSESSMENT  
OF THE CURRENT CONDITION OF HUMAN RIGHTS IN EACH COUNTRY  
AND THE PROPOSED OBJECTIVES AND RECOMMENDATIONS FOR IM-  
PROVING THOSE CONDITIONS. GUIDELINES AND FORMAT INCLUDED  
IN REF D.

2. THIS CABLE TRANSMITS THE DESKS DRAFT REPORT FOR YOUR  
COMMENTS. YOUR RESPONSE IS REQUESTED BY JUNE 27 SO THAT  
THE BUREAU CAN MEET THE SUBMISSION DATE OF JULY 1. SLUG  
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PAGE 02 STATE 141239

3. THE INFORMATION CONTAINED IN THE COUNTRY EVALUATION  
WILL BE CLASSIFIED IN ACCORDANCE WITH EXECUTIVE ORDER  
11652. REPORTS WILL BE USED AS SOURCE MATERIAL FOR THE  
PREPARATION OF ANNUAL HUMAN RIGHTS REPORTS ON ALL COUNTRIES  
WHICH ARE RECIPIENTS OF US SECURITY ASSISTANCE, AND WILL  
BE SUBMITTED TO THE DEPARTMENT'S HUMAN RIGHTS COORDINATING  
COMMITTEE, CHAIRED BY THE DEPU"Y SECRETARY.

#### 4.A. CONDITION OF HUMAN RIGHTS IN GHANA

GHANA IS RULED BY A MILITARY GOVERNMENT WHICH CAME TO POWER IN JANUARY 1972 WHEN IT OVERTHREW THE ELECTED GOVERNMENT OF KOFI BUSIA. UPON ASSUMING POWER THE MILITARY GOVERNMENT SUSPENDED THE 1969 CONSTITUTION AND BANNED POLITICAL PARTIES. THESE MEASURES REMAIN IN FORCE. THE SUPREME COURT, WHOSE FUNCTION WAS TO INTERPRET THE NOW-SUSPENDED CONSTITUTION, WAS ALSO ABOLISHED. THE REMAINDER OF THE CIVIL JUDICIAL SYSTEM HAS CONTINUED TO FUNCTION. CALLS FOR A RETURN TO CIVILIAN GOVERNMENT HAVE BEEN MET BY THE REGIME'S STATEMENTS OF ITS INTENTION TO FORMULATE A "UNION GOVERNMENT". A UNION GOVERNMENT APPARENTLY WOULD INVOLVE SOME CIVILIAN PARTICIPATION AND EXCLUDE POLITICAL PARTIES, ALTHOUGH IT IS POSSIBLE THAT SOME SORT OF NON-PARTY ELECTORAL SYSTEM MIGHT EVOLVE. THE REGIME HAS YET TO DO MORE THAN ADUMBRATE THE CONCEPT OF UNION GOVERNMENT, AND THERE RECENTLY HAVE BEEN DEMONSTRATIONS AND STRIKES CALLING FOR A RETURN TO FULL CIVILIAN GOVERNMENT.

(1) THE INTEGRITY OF THE PERSON IS GENERALLY RESPECTED AND FREEDOM FROM TORTURE, CRUEL, INHUMAN OR DEGRADING PUNISHMENT, ARBITRARY ARREST OR IMPRISONMENT, DENIAL OF FAIR PUBLIC TRIAL, AND INVASION OF THE HOME IS GENERALLY RESPECTED IN GHANA.

(2) CIVIL LIBERTIES SUCH AS FREEDOM OF THOUGHT, RELIGION, CONFIDENTIAL

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PAGE 03 STATE 141239

ASSEMBLY; FREEDOM OF MOVEMENT WITHIN THE COUNTRY; AND LIBERAL FOREIGN TRAVEL AND EMIGRATION POLICIES, ARE RESPECTED. POLITICAL PARTIES ARE BANNED AND THE MILITARY REGIME RULES BY DECREE. AT THE MOMENT THERE ARE NO DEMOCRATIC PROCESSES ASSURING THE FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS.

(3) GHANA'S RECENTLY PUBLISHED DEVELOPMENT PLAN RECOGNIZES THE GOVERNMENT'S RESPONSIBILITY IN THE FULFILLMENT OF BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE AND EDUCATION. THE PLAN ALSO NOTES THE PROBLEMS (POOR PRODUCTION, INFLATION, LACK OF FOREIGN EXCHANGE, ETC.) WHICH CAUSE DIFFICULTIES IN THE FULFILLMENT OF THESE NEEDS. THE GHANAIAN GOVERNMENT HAS EMPHASIZED PROGRAMS DESIGNED TO RESPOND TO THE NEEDS OF THE RURAL POOR, BUT IMPLEMENTATION OF SUCH PROGRAMS HAS BEEN UNEVEN. CORRUPTION AMONG GHANA'S MILITARY LEADERS HAS APPARENTLY BEEN INCREASING AND THE GENERAL POPULACE IS AWARE OF THIS CORRUPTION. THE SCARCITY OF FOREIGN EXCHANGE CAN BE ATTRIBUTED, AT

LEAST IN PART, TO CORRUPTION.

(4) GHANA HAS, AND HAS HAD ALMOST CONTINUOUSLY SINCE INDEPENDENCE, PROVISIONS FOR PREVENTIVE DETENTION. SINCE 1973 THE USE OF PREVENTIVE DETENTION HAS BEEN LIMITED, AND REASONABLY PROMPT JUDICIAL ACTION IS TAKEN. THE ACCUSED HAS THE RIGHT TO COUNSEL IN AN OPEN TRIAL WHEN CHARGES ARE BROUGHT. ACTIVE BAR ASSOCIATIONS, INDEPENDENT COURTS, AND THE RIGHT OF HABEAS CORPUS SERVE AS RESTRICTIONS ON ARBITRARY ARREST, ALTHOUGH THAT RIGHT CAN BE SUSPENDED UNDER THE PREVENTIVE DETENTION DECREE. TORTURE, CRUEL, AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT ARE NOT OFFICIALLY COUNTENANCED IN GHANA, AND IN THE FEW DOCUMENTED CASES WHERE ABUSES DID OCCUR THE PERPETRATORS WERE DISCIPLINED.

(5) THE GHANAIAN GOVERNMENT HAS PERMITTED VISITS BY  
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PAGE 04 STATE 141239

OFFICIALS OF AMNESTY INTERNATIONAL TO OBSERVE TRIALS AND CONDUCT INQUIRIES. WE SEE NO CHANGE IN THIS POLICY OF OPENNESS.

#### 5.B. ANALYSIS AND RECOMMENDATIONS

##### (1) OBJECTIVES AND ACTIONS:

A) NEXT THREE MONTHS - DISCUSS USG COMMITMENT TO HUMAN RIGHTS AND SPEECHES BY SENIOR USG OFFICIALS WITH APPROPRIATE GOG OFFICIALS. STRESS IMPORTANCE HUMAN RIGHTS FACTORS PLAY IN FOREIGN POLICY DECISION MAKING AND POSSIBLE ADVERSE CONSEQUENCES FOR BILATERAL RELATIONS AND ECONOMIC ASSISTANCE IF HUMAN RIGHTS SITUATION DETERIORATES IN GHANA.

B) NEXT SIX MONTHS - REVIEW US ASSISTANCE PROGRAMS, INCLUDING THOSE FOCUSED ON THE RURAL POOR AND DROUGHT RELIEF, FOR SUBSTANTIVE IMPACT IN IMPROVING QUALITY OF LIFE OF RECIPIENTS. LOCAL PARTICIPATION IN DECISION MAKING WITH REGARD TO OUR ASSISTANCE PROGRAMS SHOULD ALSO BE STUDIED TO ASSURE THAT PROGRAMS DO RESPOND TO LOCAL NEEDS.

C) NEXT YEAR - EVALUATE STEPS THE MILITARY GOVERNMENT HAS TAKEN TO RETURN POWER TO CIVILIANS, OR AT LEAST INCREASE NON-MILITARY PARTICIPATION IN GHANA'S POLICY-MAKING APPARATUS. IF THE REGIME CONTINUES LARGELY TO EXCLUDE CIVILIAN PARTICIPATION, AND IF DEMOCRATIC PROCESSES ASSURING THE PUBLIC'S FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS ARE FOUND WANTING, US LEVERAGE SUCH AS AID GRANTS AND LOANS, IFI LOANS, AND GRANT MILITARY

TRAINING SHOULD BE REVIEWED AS POSSIBLE INDUCEMENTS  
TO ENCOURAGE GHANA TO RETURN TO A DEMOCRATIC AND  
ELECTED GOVERNMENT.

(2) SENIOR GHANAIAN OFFICIALS HAVE SPOKEN FAVORABLY  
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PAGE 05 STATE 141239

ABOUT OUR HUMAN RIGHTS POLICY AND THE GHANAIAN GOVERN-  
MENT, ON MAY 5, DECLARED ITS SUPPORT FOR THE EFFORTS  
OF THE CARTER ADMINISTRATION TO MAKE THE ADVANCEMENT  
OF HUMAN RIGHTS A PIVOT OF ITS FOREIGN POLICY.

(3) WE WOULD NOT EXPECT ANY NEGATIVE CHANGES IN HUMAN  
RIGHTS AS A RESULT OF THE ABOVE ACTIONS, AND SOME  
IMPROVEMENTS IN GHANA'S HUMAN RIGHTS SITUATION MIGHT  
RESULT.

(4) A) AT PRESENT, WE DO NOT BELIEVE GHANA'S GENERALLY  
GOOD HUMAN RIGHTS RECORD JUSTIFIES ANY PUNITIVE USG ACTIONS.

B) GHANA WOULD BE LIKELY TO SUPPOT US EFFORTS TO PROMOTE  
HUMAN RIGHTS THROUGH GOVERNMENTAL AND NON-GOVERNMENTAL  
ORGANIZATIONS WHEN SUCH EFFORTS HAVE THE SUPPORT OF  
SUCH GROUPS AS THE OAU, G-77, NAC, ETC. VANCE

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